



8-4-04

4  
1635

Express Mail No. EV462737318US

**INFORMATION  
DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97(e)**

Address to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attorney Docket	AERX-061
First Named Inventor	GONDA, IGOR
Application Number	09/330,903
Confirmation No.	9995
Filing Date	June 11, 1999
Group Art Unit	1635
Examiner Name	SCHNIZER, RICHARD A.
Title:	<i>"METHODS OF DELIVERING AEROSOLIZED POLYNUCLEOTIDES TO THE RESPIRATORY TRACT"</i>

Sir:

Applicants submit herewith patents and/or publications which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. While this Statement may be "material" pursuant to 37 C.F.R. § 1.56, it is not intended to constitute an admission that any patent, publication, or other information referred to therein is "prior art" for this invention unless specifically designated as such. A listing of patents and/or publications is shown on enclosed Form PTO-SB/08A and a copy of each patent and/or publication is also enclosed.

Each item of information contained in the Information Disclosure Statement filed herewith was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement (37 C.F.R. 1.97(e)(1)). A copy of the communication is enclosed for the Examiner's convenience.

The Examiner is requested to make the citations listed on the enclosed PTO-SB/08A of record in this application. Applicants would appreciate the Examiner initialing and returning the initialed copy of form PTO-SB/08A, indicating the references have been considered and made of record herein.

No fee is believed due as this statement is being submitted within three months of the mailing date of the enclosed foreign communication. However, if it is determined that fees are required, the Commissioner is hereby authorized to charge any necessary fees associated with this communication or credit any overpayment to Deposit Account No. 50-0815, Order No. AERX-061.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLPDate: Aug. 2, 2004BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231By: 

Paula A. Borden, Reg. No. 42,344



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	09/330,903	
			Filing Date	June 11, 1999	
			First Named Inventor	GONDA, IGOR	
			Art Unit	1635	
Sheet	1	of	1	Examiner Name	SCHNIZER, RICHARD A.
				Attorney Docket Number	AERX-061

U.S. PATENT DOCUMENTS						
Examiner Initials'	Cite No. <sup>1</sup>	Document Number		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)				
		US- 5,724,957		03-10-1998	Aradigm Corporation	
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				
		US-				

FOREIGN PATENT DOCUMENTS						
Examiner Initials'	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				
		WO 96/13161	05-09-1996	Aradigm Corporation		
		WO 94/27653	12-08-1994	Miris Medical Corporation		
		WO 96/40963	12-19-1996	Megabios Corporation		
		WO 96/41873	12-27-1996	The Regents of the University of California		

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



P.B.5818 - Patentlaan 2  
2280 HV Rijswijk (ZH)  
☎ +31 70 340 2040  
TX 31651 epo.nl  
FAX +31 70 340 3016

Europäisches  
Patentamt

Zweigstelle  
in Den Haag  
Recherchen-  
abteilung

European  
Patent Office

Branch at  
The Hague  
Search  
division

Office européen  
des brevets

Département à  
La Haye  
Division de la  
recherche

Wright, Simon Mark  
J.A. Kemp & Co.  
14 South Square  
Gray's Inn  
London WC1R 5JJ  
GRANDE BRETAGNE

J.A. KEMP & Co.

Rec'd 24 MAY 2004

Action by.....

Datum/Date

25.05.04

Zeichen/Ref./Réf. N.81231 SMW	Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°. 99930226.8-2310-US9913306
Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire ARADIGM CORPORATION	

## COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

☐ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

## REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.



**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 99 93 0226

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

12-05-2004

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9427653 A		WO 9427653 A2	08-12-1994
		US 6014969 A	18-01-2000
		US 5544646 A	13-08-1996
		US 5718222 A	17-02-1998
		US 5660166 A	26-08-1997
		US 5823178 A	20-10-1998
		US 5792057 A	11-08-1998
US 5724957 A	10-03-1998	AU 708150 B2	29-07-1999
		AU 4013795 A	23-05-1996
		CA 2203127 A1	09-05-1996
		EP 0843564 A1	27-05-1998
		JP 11508456 T	27-07-1999
		WO 9613291 A1	09-05-1996
		US 6098620 A	08-08-2000
		AU 6097694 A	15-08-1994
		WO 9416755 A1	04-08-1994
		US 5507277 A	16-04-1996
		US 5694919 A	09-12-1997
		US 5735263 A	07-04-1998
WO 9640963 A	19-12-1996	US 5932241 A	03-08-1999
		AU 699162 B2	26-11-1998
		AU 6381396 A	30-12-1996
		CA 2223928 A1	19-12-1996
		EP 0832272 A1	01-04-1998
		JP 11507365 T	29-06-1999
		WO 9640963 A1	19-12-1996
WO 9641873 A	27-12-1996	US 5811406 A	22-09-1998
		AU 708179 B2	29-07-1999
		AU 5938296 A	09-01-1997
		CA 2224156 A1	27-12-1996
		EP 0836645 A1	22-04-1998
		JP 11507922 T	13-07-1999
		WO 9641873 A1	27-12-1996

EPO FORM P0459

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

**ANNEX TO THE EUROPEAN SEARCH REPORT  
ON EUROPEAN PATENT APPLICATION NO.**

EP 99 93 0226

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report. The members are as contained in the European Patent Office EDP file on  
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

12-05-2004

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9613161	A	09-05-1996	US 5672581 A	30-09-1997
			AU 685694 B2	22-01-1998
			AU 4194996 A	23-05-1996
			CA 2203129 A1	09-05-1996
			DE 69531834 D1	30-10-2003
			EP 1348460 A2	01-10-2003
			EP 0785713 A1	30-07-1997
			JP 10509606 T	22-09-1998
			US 6131567 A	17-10-2000
			US 6085753 A	11-07-2000
			US 6098615 A	08-08-2000
			US 5970973 A	26-10-1999
			US 5873358 A	23-02-1999
			US 6024090 A	15-02-2000
			WO 9613161 A1	09-05-1996
			US 5941240 A	24-08-1999
			US 2002157677 A1	31-10-2002
			US 2003000519 A1	02-01-2003
			US 6167880 B1	02-01-2001
			US 5915378 A	29-06-1999
			US 6408854 B1	25-06-2002
			US 6250298 B1	26-06-2001
			US 2004062722 A1	01-04-2004
			US 5743250 A	28-04-1998
			US 2001037805 A1	08-11-2001
			US 5888477 A	30-03-1999
			US 5884620 A	23-03-1999
			US 2001045213 A1	29-11-2001
			US 2002124852 A1	12-09-2002
			US 2002059932 A1	23-05-2002
			US 2002046750 A1	25-04-2002
			US 2002035992 A1	28-03-2002
WO 9427653	A	08-12-1994	US 5709202 A	20-01-1998
			US 5497763 A	12-03-1996
			AU 708140 B2	29-07-1999
			AU 5829698 A	14-05-1998
			AU 690561 B2	30-04-1998
			AU 6956994 A	20-12-1994
			CA 2162399 A1	08-12-1994
			DE 69433380 D1	15-01-2004
			EP 1366778 A2	03-12-2003
			EP 0701457 A1	20-03-1996
			JP 3375637 B2	10-02-2003
			JP 9503723 T	15-04-1997
			US 6123068 A	26-09-2000

EPO FORM P0459

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82



European Patent  
Office

SUPPLEMENTARY  
EUROPEAN SEARCH REPORT

Application Number  
EP 99 93 0226

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
X	WO 96/13161 A (ARADIGM CORP) 9 May 1996 (1996-05-09) * page 31, line 1 - page 33, line 35 * * page 47, line 26 - page 49, line 13 * * page 50, line 5 - line 13 * * page 75, line 13 - line 33 * ----	1,2,5-9	A61M15/00 A61M11/00
X	WO 94/27653 A (MIRIS MEDICAL CORP) 8 December 1994 (1994-12-08) * page 44, line 1 - page 47, line 6 * * page 53, line 22 - page 54, line 2 * * page 55, line 29 - page 56, line 34 * * page 59, line 11 - line 31 * * page 67, line 4 - line 24 * * page 72, line 20 - page 73, line 5 * ----	1-3,5,6, 8,9 4,10,11	
Y			
X	US 5 724 957 A (LLOYD LESTER JOHN ET AL) 10 March 1998 (1998-03-10) * column 11, line 61 - column 12, line 62 * * column 15, line 27 - line 43 * * column 26, line 65 - column 27, line 26 * ----	1,2,5-9	TECHNICAL FIELDS SEARCHED (Int.Cl.6) A61M
Y	WO 96/40963 A (GORMAN CORI M ;MEGABIOS CORP (US)) 19 December 1996 (1996-12-19) * page 5, line 31 - page 7, line 31 * * page 10, line 4 - page 11, line 17 * ----	4,10,11	
A	WO 96/41873 A (UNIV CALIFORNIA) 27 December 1996 (1996-12-27) * page 2, line 5 - line 22 * -----	4,10	
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
Place of search MUNICH		Date of completion of the search 12 May 2004	Examiner Vänttinen, H
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons ----- & : member of the same patent family, corresponding document	

1

EPO FORM 1503 03.82 (P04C04)